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5 Attorney for Defendant
MARIO GONZALEZ

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MARIO GONZALEZ.,

13 Defendant.

) Case No. 2:20-cr-00013-WBS

) STIPULATION AND ORDER TO CONTINUE
) STATUS CONFERENCE

) Date: May 24, 2021

) Time: 9:00 a.m.

) Judge: Hon. William B. Shubb
)

15 IT IS HEREBY STIPULATED by and between Phillip A. Talbert, Acting United States
16 Attorney through, Michael Redding, Assistant United States Attorney, attorney for Plaintiff, and
17 Heather Williams, Federal Defender, through Assistant Federal Defender Douglas Beevers,
18 attorneys for Mario Gonzalez, that defendant requests that the status conference scheduled for
19 May 24, 2021 be vacated and continued to June 14, 2021 at 9:00 a.m., and that time between
20 May 24, 2021 and June 14, 2021, be excluded under Local Code T4.

22 Defense requires more time to investigate which is more difficult due to the COVID-19
23 pandemic, and review discovery with the defendant which has also proven difficult due to the
24 COVID-19 pandemic. Defense counsel believes that failure to grant the above-requested
25 continuance would deny him the reasonable time necessary for effective preparation, taking into
26 account the exercise of due diligence. The government does not object to defense counsel's
27 motion to continue.

1 Based upon the foregoing, the parties agree that for purposes of calculating time under
2 the Speedy Trial Act the time period from May 24, 2021 through and including June 14, 2021, is
3 deemed excludable pursuant to 18 U.S.C. § 3161 (h)(7)(A), (B)(iv)[Local Code T4] and General
4 Order 479 because it results from a continuance granted by the Court at the defendant's request
5 for the purposes of continuity of counsel and defense preparation, and the Court's finding that
6 the ends of justice served by taking such action outweigh the best interest of the public and
7 defendant in a speedy trial.

8 Nothing in this stipulation and order shall preclude a finding that other provisions of the
9 Speedy Trial Act dictate that additional time periods are excludable from the period within which
10 a trial must commence.

11 IT IS SO STIPULATED.

12 DATED: May 19, 2021

Respectfully submitted,

14 HEATHER E. WILLIAMS
15 Federal Defender

16 Douglas Beevers
DOUGLAS BEEVERS
17 Assistant Federal Defender
Attorney for MARIO GONZALEZ

18 DATED: May 19, 2021

PHILLIP A. TALBERT
Acting United States Attorney


20 /s/Michael Redding
21 MICHAEL REDDING
22 Assistant United States Attorney
Attorney for Plaintiff

1 ORDER

2 The Court, having received, read, and considered the stipulation of the parties, and good
3 cause appearing, adopts the stipulation in its entirety as its order. The Court specifically finds
4 that the failure to grant a continuance in this case would deny defense counsel reasonable time
5 necessary for effective preparation, taking into account the exercise of due diligence. The Court
6 finds the ends of justice served by granting the continuance outweigh the best interests of the
7 public and defendant in a speedy trial. Moreover, the ongoing COVID-19 pandemic has led to
8 the suspension of jury trials in this district since March 17, 2020, and the General Orders of this
9 court issued in connection with the pandemic allow for continuances and the exclusion of time
10 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required.
11 General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial
12 Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial
13 emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl.
14 in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

15 The Court orders a status conference on June 14, 2021, at 9:00 a.m. The Court further
16 orders the time from May 24, 2021 up to and including June 14, 2021, excluded from
17 computation of time within which the trial of this case must commence under the Speedy Trial
18 Act, pursuant to 18 U.S.C. §§3161(h)(7)(A), B(iv)[Local Code T4].

19
20 Dated: May 21, 2021

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22 WILLIAM B. SHUBB
23 UNITED STATES DISTRICT JUDGE
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